

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
WILLIAM G. MOORE, *et al.*,  
Defendants.

Case No. C07-5154FDB

## ORDER DENYING REQUEST FOR REMAND

Defendant Moore refers to a bar complaint filed against Kurt Hermanns, and states that “the clerk subsequently determined that the entirety of the unsigned Marchi declaration was true which conclusively shows that the district courts denial of my habeas would be plain error.” (Sic; emphasis in original.) Therefore, Defendant Moore requests remand of this case “for adjudication of the new evidence, (bar complaint), bail motion and motion for return of property under FRAP 27.”

Meanwhile, on July 3, 2007, the Mandate from the Ninth Circuit Court of Appeals was entered denying certificate of appealability in this matter. If Defendant was seeking remand to this Court from the Ninth Circuit, that motion has become moot. The so-called “new evidence” the bar complaint is for the Washington State Bar Association to address and resolve, not this Court. Moore’s bail motion and motion for return of property were denied originally as this Court was

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1 without jurisdiction. These motions are denied now as well for the reasons that they are without  
2 merit.

3 ACCORDINGLY, IT IS ORDERED: Defendant Moore's Motion/Request for Remand [Dkt.  
4 # 20] is found to be MOOT; Defendant Moore's earlier motions for bail and for return of property  
5 [Dkts. 15 and 17] were earlier denied for want of jurisdiction and are now DENIED as being without  
6 merit.

7 DATED this 3<sup>rd</sup> day of July, 2007.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
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